

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **THOMAS E. COSMAS, M.D.**

4 Holder of License No. 4685
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-09-0517A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO SAME**

7 Thomas E. Cosmas, M.D. ("Respondent") elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 4685 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-0517A after receiving a complaint
17 regarding Respondent's care and treatment of a thirty-seven year-old female patient
18 ("WH").

19 4. Over a six-year period, Respondent prescribed short-acting opioids to WH
20 with escalating dosages and frequent early refills. Respondent also performed inadequate
21 evaluations and his medical records did not contain an adequate rationale for and
22 response to the medications prescribed to WH.

23 5. The standard of care prior to prescribing long-term opioid medications for
24 chronic malignant pain requires a physician to conduct an appropriate evaluation of pain
25 problem and to counsel the patient regarding the risks of the medications.

1 6. Respondent deviated from the standard of care because he did not conduct
2 an appropriate evaluation of WH's pain problem and he did not counsel her regarding risks
3 of opioid medications.

4 7. WH was hospitalized for acute psychosis related to excessive hydrocodone
5 usage and there was potential for prescription drug overdose.

6 8. A physician is required to maintain adequate legible medical records
7 containing, at a minimum, sufficient information to identify the patient, support the
8 diagnosis, justify the treatment, accurately document the results, indicate advice and
9 cautionary warnings provided to the patient and provide sufficient information for another
10 practitioner to assume continuity of the patient's care at any point in the course of
11 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he
12 performed inadequate evaluations and his medical records did not contain an adequate
13 rationale for and response to the medications prescribed to WH.

14 9. Respondent admits to the acts described above and that they constitute
15 unprofessional conduct pursuant A.R.S. §32-1401(27)(e) ("[f]ailing or refusing to maintain
16 adequate records on a patient.") and A.R.S. §32-1401(27)(q) ("[a]ny conduct that is or
17 might be harmful or dangerous to the health of the patient or the public.").

18 **CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter hereof and over
20 Respondent.

21 2. The Board possesses statutory authority to enter into a consent agreement
22 with a physician and accept the surrender of an active license from a physician who
23 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

24 **ORDER**

1 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
2 Number 4685, issued to Thomas E. Cosmas, M.D. for the practice of allopathic medicine
3 in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

4 DATED and effective this 11TH day of FEBRUARY, 2010.



ARIZONA MEDICAL BOARD

By:


Lisa S. Wynn
Executive Director

10 **CONSENT TO ENTRY OF ORDER**

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
13 acknowledges he has the right to consult with legal counsel regarding this matter.

14 2. Respondent acknowledges and agrees that this Order is entered into freely
15 and voluntarily and that no promise was made or coercion used to induce such entry.

16 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
17 to a hearing or judicial review in state or federal court on the matters alleged, or to
18 challenge this Order in its entirety as issued by the Board, and waives any other cause of
19 action related thereto or arising from said Order.

20 4. The Order is not effective until approved by the Board and signed by its
21 Executive Director.

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
5 entry of the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 Thomas E. Cosmas M.D. Dated: Jan 23rd 2010
17 THOMAS E. COSMAS, M.D.

18 EXECUTED COPY of the foregoing mailed by
19 US Mail this 22 day of February 2010 to:

20 Daniel P. Jantsch
21 Olson, Jantsch & Bakker
22 7243 N. 16th Street
23 Phoenix, Arizona 85020
24 ORIGINAL of the foregoing filed this
25 17th day of February 2010 with:

26 The Arizona Medical Board
27 9545 East Doubletree Ranch Road
28 Scottsdale, AZ 85258

29 [Signature]
30 Arizona Medical Board Staff